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STALKING LAWS IN NEW ENGLAND STATES

By: Susan Price, Senior Attorney

This report describes and compares stalking laws in the six New England states.

SUMMARY

All New England states criminalize stalking behavior. In most, perpetrators must engage in intentional or knowing courses of conduct that are intended to cause their target to fear for his or her physical safety or life, or in some cases, for the safety of family members, roommates, or pets. "Course of conduct" or equivalent requirements are present in all of the stalking statutes. They ensure that the stalker's conduct constitutes a pattern of activity rather than an isolated incident.

Although state definitions vary, forbidden forms of stalking include lying in wait, observing from close proximity, repeatedly making unwanted contact, or communicating electronically. In all but one case (part of New Hampshire's statute), the state laws require that the victim's response to the stalker's conduct be objectively reasonable (i.e., that the nature of the victim's response be consistent with the way in which a reasonable person in the victim's circumstances would react).

Connecticut has three degrees of stalking crimes: two are misdemeanors and the other is a felony. In Maine and New Hampshire, first offenses are misdemeanors and subsequent offenses are felonies. In Massachusetts, Rhode Island, and Vermont, all stalking crimes are felonies.

CONNECTICUT

Connecticut criminalizes three degrees of stalking.

3rd Degree Stalking

A person commits 3rd degree stalking by recklessly causing another person to reasonably fear for his or her physical safety by willfully and repeatedly following or lying in wait for him or her.

2nd Degree Stalking

A person commits this crime by (1) knowingly engaging in a course of conduct directed at a specific person or (2) interfering with that person's property. The conduct must be of such a nature that it would cause a reasonable person to fear for his, her, or a third person's physical safety.

A person also violates the statute by intentionally, and for no legitimate purpose, engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career was threatened. Under this provision, the actor must (1) telephone, appear at, or initiate communication with, the victim at the victim's workplace and (2) have previously and clearly been told to stop. The act excludes situations under which the actor's conduct is protected by the United States or Connecticut constitutions.

1st Degree Stalking

A person commits 1st degree stalking by committing 2nd degree stalking and (1) having a prior 2nd degree stalking conviction, (2) violating a court order in effect at the time of the offense, or (3) targeting a person under age 16.

Definition

Course of Conduct. The law defines "course of conduct" as two or more acts, including those in which a person directly, indirectly, or through a third party, by any action, method, device, or means (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person or (2) interferes with that person's property.

Penalties

3rd degree stalking is a class B misdemeanor, punishable by imprisonment for up to six months, a fine of up to \$1,000, or both ([CGS § 53a-181e](#)).

2nd degree stalking is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both ([CGS § 53a-181d](#), as amended by [PA 12-114](#) (effective October 1, 2012)).

1st degree stalking is a class D felony, punishable by imprisonment for up to five years, a fine of up to \$5,000, or both ([CGS § 53a-181c](#), as amended by [PA 12-114](#) (effective October 1, 2012)).

MAINE

Stalking

In Maine, a person commits stalking by intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person to:

1. suffer serious inconvenience or emotional distress;
2. fear bodily injury or death to himself, herself, or a close relation;
3. fear damage or destruction to, or tampering with, his or her property; or
4. fear injury to, or death of, his or her animal.

Definitions

Course of Conduct. A “course of conduct” means more than one act in which the perpetrator, by any means follows, monitors, tracks, observes, surveils, threatens, harasses, or communicates with or about a specific person or interferes with that person’s property. It also includes threats implied by the perpetrator’s conduct or gaining access to the victim’s personal medical, financial, or other identifying or personal information.

Close Relation. “Close relations” are current and former spouses or domestic partners, parents, children, siblings, grandparents, step-parents, step-children, step-grandparents, people who regularly live with the victim or have done so within the last six months; or people with a significant personal or professional relationship with the victim.

Emotional Suffering. Under the statute, mental or emotional suffering of the person must be evidenced by anxiety, fear, torment, or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis.

Serious Inconvenience. A person suffers “seriously inconvenience” if he or she attempts to avoid the actor by significantly modifying his or her actions or routines. This includes (1) changing telephone numbers and email addresses, (2) moving from an established residence, (3) missing time from work, and (4) changing daily commuting routes or work schedules.

Penalties

First-time stalkers are guilty of class D crimes, punishable by imprisonment for up to 364 days, fines of up to \$2,000, or both. Those with two or more prior convictions, including family violence protective order violations and similar convictions in other jurisdictions, are guilty of class C crimes, punishable by imprisonment for up to five years, fines of up to \$5,000, or both (Me. Rev. Stat. Ann. tit. 17-A § 210-A).

Courts must give special weight to any victim impact caused by the stalking in determining the maximum period of incarceration for a class C crime (*Ibid*).

MASSACHUSETTS

Stalking

In Massachusetts, a person commits stalking by:

1. willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific victim that seriously alarms or annoys him or her and would cause a reasonable person to suffer substantial emotional distress and
2. making a threat using the mail, telephone, email, Internet postings, or facsimiles with the intent to place the victim in fear of imminent death or bodily injury.

Penalties

Violators are subject to either (1) imprisonment in the state prison for up to five years, fines of up to \$1,000, or both or (2) imprisonment in a house of detention (the equivalent of a county jail) for up to two-and-a-half years, fines of up to \$1,000, or both.

Those whose actions also violate no-contact or similar protective orders issued in any jurisdiction must be imprisoned for at least one year. Repeat violators are subject to imprisonment for up to 10 years; they must serve at least two years or their sentences (Mass. Gen. Laws Ann. ch. 265 § 43).

NEW HAMPSHIRE

New Hampshire criminalizes stalking that consists of:

1. purposely, knowingly, or recklessly engaging in a course of conduct targeted at a person that would cause a reasonable person to fear for his or her personal safety or that of an immediate family member (the statute requires that the victim actually experience such fear);
2. purposely or knowingly engaging in a course of conduct targeted at a specific person that the actor knows will place that person in fear for his or her personal safety or the safety of an immediate family member; or
3. purposely, knowingly, or recklessly engaging in one or more acts targeting a specific person in violation of a court protective or similar family violence order.

Definitions

Course of Conduct. A “course of conduct” means two or more acts over a period of time, no matter how short, that evidences a continuity of purpose but excludes constitutionally protected activity or conduct necessary to accomplish a legitimate purpose independent of making contact with the targeted person. Prohibited conduct includes any of the following, or a combination of:

1. threatening the victim or an immediate family member (i.e., the victim's parent, child, sibling, spouse, grandparent, step-child or step-parent, or anyone person living with, or involved in, an intimate relationship with the victim);
2. following, approaching, or confronting the victim or an immediate family member;
3. appearing in close proximity to, or entering the victim's or family member's residence, job site, school, or other place where the victim or immediate family member can be found;
4. damaging the victim's or an immediate family member's residence property;
5. placing an object on the victim's or immediate family member's property, either directly or through a third person;
6. injuring the victim's or immediate family member's pet; or
7. any act of communication.

Communication. A "communication" is the sending of a message by any method of transmission, including but not limited to, telephoning or personally delivering, sending, or having delivered any information or material by mail, courier service, or electronic transmission.

Legal Presumption

The New Hampshire law presumes that a stalker acts knowingly if (1) a law enforcement officer has previously told the perpetrator that he or she was violating the stalking law or (2) he or she has been served with, or given notice of, a protective order naming the victim as the protected person.

Mandatory, Warrantless Arrests

A law enforcement officer must arrest, without a warrant, a person who the officer has probable cause to believe has committed stalking in violation a protective order within the past 12 hours, regardless of whether the crime occurred in the officer's presence.

Penalties

A first offense is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$1,000, or both. Subsequent offenses that occur within seven years of first convictions are class B felonies, punishable by imprisonment for up to seven years, fines of up to \$4,000, or both (N.H. Rev. Stat. Ann. § 633:3-a).

RHODE ISLAND

Stalking

In Rhode Island, a person commits stalking by (1) harassing a specific person or (2) willfully, maliciously, and repeatedly following a specific person with the intent to place him or her in reasonable fear of bodily injury.

Definitions

Harassing. “Harassing” is a knowing and willful course of conduct directed at a specific person that is intended to seriously alarm, annoy, or bother him or her for no legitimate purpose. The stalker’s actions must be such that a reasonable person would suffer substantial emotional distress or fear bodily injury.

Course of Conduct. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time that demonstrates a continuity of purpose. Constitutionally protected activity is excluded.

Penalty

Stalking is a felony punishable by imprisonment for up to five years, a fine of up to \$10,000, or both (R.I. Gen. Laws § 11-59-1).

VERMONT

Vermont has two stalking crimes. The first is similar to the general stalking statutes described above. But its second law, “aggravated stalking,” is similar to Connecticut’s 1st degree stalking statute.

Stalking

In Vermont, a person is guilty of stalking if he or she intentionally engages in a course of conduct that consists of lying in wait for or harassing a person that (1) serves no legitimate purpose and (2) would cause a reasonable person to either fear for his or her physical safety or suffer substantial emotional distress.

Aggravated Stalking

A person commits aggravated stalking if he or she intentionally stalks another person and:

1. the conduct violates a court order that prohibits stalking and is in effect at the time of the offense,
2. the perpetrator has a prior conviction for stalking or aggravated stalking,
3. the perpetrator has been previously convicted of an offense an element of which involved an act of violence against the same victim,
4. the person being stalked is under age 16, or
5. the perpetrator has a deadly weapon in his or her possession while engaged in the stalking activity.

Definitions

Course of Conduct. A “course of conduct” is a pattern of conduct, other than that which is protected by the U.S. Constitution, composed of two or more acts over a period of time, however short, that demonstrates a continuity of purpose.

Following. “Following” means maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to fear restraint or unlawful sexual conduct, bodily injury, or death.

Harassing. “Harassing” means actions directed at a specific person or member of the person’s family that would cause a reasonable person to fear restraint or unlawful sexual conduct, bodily injury, or death, including but not limited to, verbal, written, telephonic, or electronically communicated threats; vandalism; or nonconsensual physical contact.

Lying in Wait. “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.

Penalties

A person who intentionally stalks another person is subject to imprisonment for up to two years, a fine of up to \$5,000, or both. A person who commits aggravated stalking is subject to imprisonment for up to five years, a fine of up to \$25,000, or both (13 Vt. Stat. Ann. § 1063).

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